Amendments to the Drawings:

The attached sheets of drawings includes new Figs. 3A-3C which are being added to overcome the objection based upon 37 C.F.R. § 1.83(a) that the features of claims 4-7 are not adequately shown in the drawings. Support for the features illustrated in Figs. 3A-3C is provided in claims 4-7 and paragraphs [0019] and [0025] of the application as originally filed. Accordingly, it is respectfully submitted that Figs. 3A-3C do not include any prohibited new matter and their acceptance is earnestly solicited.

Attachment: New Sheets for FIGS. 3A-3C.

REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided. Upon entry of the above amendments claims 1, 8 and 14 will have been amended. Claims 1-18 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

SUMMARY OF THE OFFICE ACTION

In the Official Action, the Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show the features of claims 4-7.

The Examiner has made a provisional non-statutory double patenting rejection based upon co-pending patent application SN 10/704,715.

The Examiner rejected claims 1-4 and 6-7 under 35 U.S.C. § 103(a) as being unpatentable over ZHENG et al. (U.S. Patent No. 6,611,522) in view of DiMAMBRO et al. (U.S. Pub. No. 2004/0143781). Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over ZHENG et al. and in view of DiMAMBRO et al. and further in view of ARONSON (U.S. Pub. No. 2007/00131153). Claims 8-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over BRANTH et al. (U.S. Patent No. 7,075,928) in view of ZHENG et al. and further in view of DiMAMBRO et al. Claims 14-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over WILLIS (U.S. Patent No. 6,909,720) in view of BRANTH et al. (U.S. Patent No. 7,075,928) in view of DiMAMBRO et al. (U.S. Pub. No. 2004/0143781). The Applicant respectfully traverses the prior art rejections.

OBJECTION TO THE DRAWINGS UNDER 37 C.F.R. § 1.83(a)

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show the features of claims 4-7. Accordingly, Applicant is submitting the attached sheets of drawings which includes new Figs. 3A-3C, and Applicant submits that the new drawings overcome the objection based upon 37 C.F.R. § 1.83(a) that the features of claims 4-7 are not shown in the drawings. Support for the features illustrated in Figs. 3A-3C is provided at least in claims 4-7 and paragraphs [0019] and [0025] of the application as originally filed. Accordingly, it is respectfully submitted that Figs. 3A-3C do not include any prohibited new matter, that acceptance of the drawings is proper, and that the objection has been overcome.

THE PROVISIONAL NON-STATUTORY DOUBLE PATENTING REJECTION

The Examiner has made a provisional non-statutory double patenting rejection based upon co-pending patent application SN 10/704,715. Since none of the claims of the present application or of SN 10/704,715 have been determined to be allowable, Applicant respectfully requests that the Examiner hold the provisional non-statutory double patenting rejection in abeyance, until the allowability of the claims is determined. Since the final scope of the claims in either application has not been determined, and since such rejection is submitted to be premature, Applicant will consider submitting a Terminal Disclaimer, if necessary, to overcome the provisional non-statutory double patenting rejection, once the final form of the claims has been determined (i.e., claims indicated to be allowable).

THE REJECTION OF CLAMS 1-4 AND 6-7 UNDER 35 U.S.C. § 103(a)

The Examiner rejected claims 1-4 and 6-7 under 35 U.S.C. § 103(a) as being unpatentable over ZHENG et al. (U.S. Patent No. 6,611,522) in view of DiMAMBRO et al. (U.S. Pub. No. 2004/0143781). Applicant respectfully traverses the rejection of claims 1-4 and 6-7 as being unpatentable over ZHENG et al. in view of DiMAMBRO et al.

ZHENG et al. is directed to a facility for providing Asynchronous Transfer Mode (ATM) and Internet Protocol (IP) Quality of Service (QoS) features in a digital communication node. *See*, the Abstract of ZHENG et al. The facility includes a plurality of logical input ports, a plurality of logical output ports, ATM switching elements, IP routing elements and QoS elements. The switching and forwarding elements transfer ATM data cells and IP data packets from the logical input ports to the logical output ports. The QoS elements prioritize, schedule and control the transfer of data, based at least in part on ATM QoS features associated with the ATM data cells and on IP QoS features associated with the IP data packets. Applicant respectfully submits that ZHENG is substantially cumulative of the prior art illustrated in FIG. 1 of the present application.

DiMAMBRO et al. is directed to a system and method for performing non-intrusive loopback ***testing*** in a communication device. When a loopback mode of ***testing*** is requested for the communication device (e.g., from a diagnostic application), and when one or more communication streams are active or bound to the device, the streams are suspended instead of terminated. *See*, the Abstract of DiMAMBRO et al. After the loopback ***testing*** is completed, the streams are reactivated. DiMAMBRO et al. does not disclose the re-routing of a circuit, when there is a failure in the interface between a layer two switch and the communications device. In

other words, DiMAMBRO et al. is directed to the ***testing*** of a communications device and not re-routing of a circuit, if there is a failure.

In order to establish a *prima facie* case of obviousness, a rejection made under 35 U.S.C. § 103 must meet three basic criteria. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The reason for making the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

AMENDED INDEPENDENT CLAIMS 1, 8 AND 14

Applicant respectfully submits that the cited prior art ZHENG et al. and DiMAMBRO et al. references fail to state a *prima facie* case of obviousness because they fail to teach all the claim limitations of amended independent claims 1, 8 and 14. Independent claims 1, 8 and 14 have been amended to include similar claim limitations directed to re-routing a circuit if there is a failure in the interface between a layer two switch and the multi-service platform Accordingly, it is respectfully submitted that the cited prior art ZHENG et al. and DiMAMBRO et al. references fail to disclose this feature which is a claim recitation of all the independent claims, and the Examiner is respectfully requested to withdraw the rejection of amended independent claims 1, 8 and 14.

CLAIMS 5, 8-13 AND 14-18

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over ZHENG et al. and in view of DiMAMBRO et al. and further in view of ARONSON. Claims 8-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over BRANTH et al. in view of ZHENG et al. and further in view of DiMAMBRO et al. Claims 14-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over WILLIS in view of BRANTH et al. in view of DiMAMBRO et al. Since the rejections of claims 5, 8-13 and 14-20 are also based upon the DiMAMBRO et al. patent which fails to disclose the claimed loop back limitation for re-routing a circuit and which has been shown to be missing in amended independent claim 1, it is respectfully submitted that the Official Action has failed to state a *prima facie* case of obviousness for claims 5, 8-13 and 14-18 for at least the same reasons as independent claim 1. Accordingly, the Examiner is requested to withdraw all the rejections of the claims based upon 35 U.S.C. § 103(a).

DEPENDENT CLAIMS 2-7, 9-13 AND 15-18

With regard to dependent claims 2–7, 9–13 and 15–18, Applicants assert that they are allowable because of their additional recitations, and at least because they depend, directly or indirectly, from independent claims 1, 8 and 14, respectively, which Applicants submit have been shown to be allowable. Accordingly, Applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

CONCLUSION

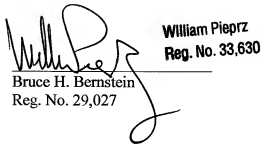
Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect.

If any extension of time is necessary, this is an express request for any necessary extension of time and authorization to charge any required extension of time fee or any other fees which may be required to preserve the pendency of the present application to Deposit Account No. 19-0089.

Any amendments to the claims which have been made in this Reply, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attached thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Edward Alan SIERECKI



Bruce H. Bernstein
Reg. No. 29,027

September 14, 2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191